

Law Offices of
JACOBSON, PRICE, HOLMAN & STERN, PLLC
THE JENIFER BUILDING
400 SEVENTH STREET, N.W.
WASHINGTON, D.C. 20004

Attny's Docket No. _____

SMALL ENTITY DECLARATION
[37 CFR 1.9(c-f)]

Each undersigned declares that:

(1) ☐ the application attached hereto.

(2) ☐ U.S. Application Serial No. _____ filed _____

(3) ☐ U.S. Patent No. _____ Issued _____

is entitled to the benefits of "small entity" status for paying reduced fees under 35 USC 41(a) and (b) to the Patent and Trademark Office by virtue of the following:

(4) ☐ Each undersigned declares that he/she qualifies as an independent inventor, or would qualify had he/she made the invention, as defined in 37 CFR 1.9(c).

(5) ☒ The undersigned declares that he/she is an official empowered to act on behalf of the concern identified below; that this concern qualifies as a small business concern as defined in 37 CFR 1.9(d); that exclusive rights to the invention have been conveyed to and remain with the small business concern, or if the rights are not exclusive, that all other rights belong to small entities as defined in 37 CFR 1.9.

(6) ☐ The undersigned declares that he/she is an official empowered to act on behalf of the organization identified below; that this organization qualifies as a nonprofit organization as defined in

(a) ☐ 37 CFR 1.9(e)(1)

(b) ☐ 37 CFR 1.9(e)(2)

(c) ☐ 37 CFR 1.9(e)(3)

(d) ☐ 37 CFR 1.9(e)(4) State law of _____ that exclusive rights to the invention have been conveyed to and remain with the organization, or if the rights are not exclusive, that all other rights belong to organizations as defined in 37 CFR 1.9.

(7) Each person, concern or organization to which I/we have assigned, granted, conveyed or licensed, or am under an obligation under contract or law to assign, grant, convey, or license any rights in the invention is listed below:

(a) ☐ no such person, concern or organization

(b) ☐ persons, concerns or organizations listed below
[a separate declaration is required from each named person, concern or organization having rights to this invention averring to their status as "small entities."]

Full Name _____

Address _____

☐ Individual

☐ Small Business Concern

☐ Nonprofit Organization

I/we acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement of small entity prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I/we hereby declare that all statements made herein of his/her own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application, any patent issued thereon, or any patent to which this declaration is directed.

(8) _____
Typed Name of Inventor Signature Date

Typed Name of Inventor Signature Date

Typed Name of Inventor Signature Date

Typed Name of Inventor Signature Date

(9) MSE Pharmazeutika GmbH
Name of Small Business Concern or Nonprofit Organization

Franz Enzmann By F. Enzmann Date July 22, 1999
Typed Name Signature Date

Title of Signatory

**DECLARATION
AND POWER OF ATTORNEY
U.S.A.**

FOR ATTORNEYS' USE ONLY
ATTORNEYS' DOCKET NO. _____

ALL PATENTS, INCLUDING DESIGN
FOR APPLICATION BASED ON PCT; PARIS CONVENTION;
NON PRIORITY; OR PROVISIONAL APPLICATIONS

As a below named inventor, I declare that my residence, post office address and citizenship are stated below next to my name, the information given herein is true, that I believe that I am the original, first and sole inventor (if only one name is listed at 201 below), or a first and joint inventor (if plural inventors are named below at 201-203, or on additional sheets attached hereto) of the subject matter which is claimed and for which patent is sought on the invention entitled:

which is described and claimed in: ☒ PCT International Application No. PCT/EP98/00744 filed 02/11/1998
☐ the attached specification ☐ the specification in application Serial No. _____ filed _____

(If applicable) and amended on _____

I hereby state that I have reviewed and understand the contents of the above-identified specifications, including the claims, as amended by any amendment referred to above. I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, code of Federal Regulations, §1.56. I hereby claim foreign priority benefits under Title 35, United States Code, §119 (a)-(d) of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign applications for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

| (Number) | (Country) | (Day/Month/Year Filed) | Priority Claimed |
|--------------|-----------|------------------------|---|
| 197 05 231.2 | Germany | 02/11/1997 | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| | | | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| | | | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| | | | <input type="checkbox"/> Yes <input type="checkbox"/> No |

I hereby claim the benefit under Title 35, United States Code, §119(e) of any United States provisional application(s) listed below:
Application No. _____ Filing Date _____ Application No. _____ Filing Date _____

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, §1.56, which became available between the filing date of the prior application and the national or PCT international filing date of this application:

(Application Serial No.) _____ (Filing Date) _____ (Status: patented, pending, abandoned) _____
POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorneys (Registration No.) to prosecute this application, receive and act on instructions from my agent, and transact all business in the Patent and Trademark Office connected therewith. HARVEY B. JACOBSON, JR. (20,851); D. DOUGLAS PRICE (24,514); JOHN CLARKE HOLMAN (22,769); MARVIN R. STERN (20,640); MICHAEL R. SLOBASKY (26,421); JONATHAN L. SCHERER (29,851); STANFORD W. BERMAN (17,909); IRWIN M. AISENBERG (19,007); WILLIAM E. PLAYER (31,409)

SEND CORRESPONDENCE TO:

JACOBSON, PRICE, HOLMAN & STERN
400 SEVENTH STREET, N.W.
WASHINGTON, D.C. 20004

DIRECT TELEPHONE CALLS TO:

(Please use Attorney's Docket No.) (202) 638-6666

JACOBSON, PRICE, HOLMAN & STERN

*Inventor(s) name must include at least one unabbreviated first or middle name.

| | FULL NAME* OF INVENTOR | FAMILY NAME | GIVEN NAME | MIDDLE NAME |
|-----|-------------------------|---------------------|--------------------------|------------------------|
| 201 | RESIDENCE & CITIZENSHIP | CITY | STATE OR FOREIGN COUNTRY | COUNTRY OF CITIZENSHIP |
| | POST OFFICE ADDRESS | POST OFFICE ADDRESS | CITY | STATE OR COUNTRY |
| | | | | ZIP CODE |
| 202 | RESIDENCE & CITIZENSHIP | CITY | STATE OR FOREIGN COUNTRY | COUNTRY OF CITIZENSHIP |
| | POST OFFICE ADDRESS | POST OFFICE ADDRESS | CITY | STATE OR COUNTRY |
| | | | | ZIP CODE |
| 203 | RESIDENCE & CITIZENSHIP | CITY | STATE OR FOREIGN COUNTRY | COUNTRY OF CITIZENSHIP |
| | POST OFFICE ADDRESS | POST OFFICE ADDRESS | CITY | STATE OR COUNTRY |
| | | | | ZIP CODE |

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both, under section 1001 of Title 18 of the United States Code; and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

| SIGNATURE OF INVENTOR 201* | SIGNATURE OF INVENTOR 202* | SIGNATURE OF INVENTOR 203* |
|----------------------------|----------------------------|----------------------------|
| DATE | DATE | DATE |

Additional inventors are named on separately numbered sheets attached hereto.
OPH&S 1995 8/95 (COPYING WITHOUT DELETIONS PERMITTED)

UNITED STATES OF AMERICA—ASSIGNMENT

(1-5) Insert Name(s) of Inventors

(1) ENZMANN, Franz

(2) LACHMANN, Burkhard

(3)

(4)

(5)

(6)

In consideration of the sum of one dollar (\$1.00), and other good and valuable considerations paid to each of the undersigned, the receipt and sufficiency of which are hereby acknowledged, the undersigned agree(s) to assign, transfer and set over to

(7) Insert Name of assignee

(7) MSE Pharmazeutika GmbH

(8) Insert Address of Assignee

(8) of Louisenstraße 114, D-61348 Bad Homburg

(9) Insert Legal Entity and State or Country (e.g., a corporation or citizen of Japan)

(9) a corporation of Germany

(hereinafter designated as the Assignee) the entire right, title and interest for the United States, its territories, dependencies and possessions, in the invention known as

(10) Insert Identification of Invention, such as Title, Case Number or Foreign Application Number

(10)

for which the undersigned has (have) executed an application for patent in the United States of America

(11) Insert Date of Signing of Application, or filing date and Serial No., if known

(11) Said application having been ~~examined~~ filed on... August 12, 1999 (and assigned Serial No. ...09/355,931.....)

1) The undersigned agree(s) to execute all papers necessary in connection with this application and any continuing or divisional applications thereof and also to execute separate assignments in connection with such applications as the Assignee may deem necessary or expedient.

2) The undersigned agree(s) to execute all papers necessary in connection with any interference which may be declared concerning this application or any continuing or divisional applications thereof and to cooperate with the Assignee in every way possible in obtaining evidence and going forward with such interference.

3) The undersigned agree(s) to execute all papers and documents and perform any act which may be necessary in connection with claims or provisions of the International Union for Protection of Industrial Property or similar agreements.

4) The undersigned agree(s) to perform all affirmative acts which may be necessary to obtain a grant of a valid United States patent to the Assignee.

5) The undersigned hereby authorize(s) and request(s) the Commissioner of Patents and Trademarks to issue any and all Letters Patents of the United States resulting from this application or any continuing or divisional applications thereof to the said Assignee, as Assignee of the entire interest, and hereby covenants that he has (they have) full right to convey the entire interest herein assigned, and that he has (they have) not executed, and will not execute, any agreement in conflict herewith.

6) The undersigned hereby grant(s) the law firm of Jacobson, Price, Holman & Stern, 400 Seventh Street, N.W., Washington, D.C. 20004, the power to insert on this assignment any further identification which may be necessary or desirable in order to comply with the rules of the United States Patent and Trademark Office for recordation of this document.

In witness whereof, executed by the undersigned on the date(s) opposite the undersigned name(s).

| | | |
|---------------------------|---|---------------------------|
| Date <u>July 22, 1999</u> | Name of Inventor <u>Franz Enzmann</u> | <u>F. Enzmann</u> (SEAL) |
| | typed name | signature |
| Date <u>April 25 99</u> | Name of Inventor <u>Burkhard Lachmann</u> | <u>B. Lachmann</u> (SEAL) |
| | typed name | signature |
| Date _____ | Name of Inventor _____ | _____ (SEAL) |
| | typed name | signature |
| Date _____ | Name of Inventor _____ | _____ (SEAL) |
| | typed name | signature |
| Date _____ | Name of Inventor _____ | _____ (SEAL) |
| | typed name | signature |
| Date _____ | Name of Inventor _____ | _____ (SEAL) |
| | typed name | signature |

This assignment should preferably be signed before a United States Consul if signed abroad, or a Notary Public if domestically signed. If not, then the execution by the inventor(s) should be witnessed by at least two witnesses who sign here:

☐ Additional inventor's names and signatures on a separate sheet.

Witness Gabriela Oestreicher

Witness Uelberto Omeza

LAW OFFICES OF

JACOBSON, PRICE, HOLMAN & STERN

THE JENIFER BUILDING

400 SEVENTH STREET, N.W.

WASHINGTON, D.C. 20004

09/355931
PTO/PCT Rec'd 12 OCT 1999

Commissioner of Patents & Trademarks

11-09-1999

Washington, D.C. 20231

FORM PTO-1595

RE

(Rev. 6-93)

To the Honorable Commissioner of Patents



101196496

U.S. DEPARTMENT OF COMMERCE

Patent and Trademark Office

document or certified copy thereof.

1. Name of conveying Party(ies):

**1-Franz ENZMANN
2-Burkhard LACHMANN**

Additional name(s) of conveying party(s) attached? ☐ Yes ☒ No

3. Nature of conveyance:

- ☒ Assignment ☐ Merger
☐ Security Agreement ☐ Change of Name
☐ Other: _____

Execution Date: 1-7/22/99 and 2-8/25/99

2. Name and Address of receiving Party(ies):

Name: MSE PHARMAZEUTIKA GmbH

Street Address: Louisenstraße 114

City: D-61348 Bad Homburg

Country: GERMANY

Additional name(s) & address(es) attached? ☐ Yes ☒ No

4. Application number(s) or patent number(s):

09/355931

If this document is being filed together with a new application, the execution date of the application is: _____

A. Patent Application No.(s)/Application Date

09/355,931, filed August 12, 1999

B. Patent No.(s)/Patent Date

5. Name and address of party to whom correspondence concerning this matter should be mailed:

**Jacobson, Price, Holman & Stern, PLLC
400 7th Street, N.W.
Washington, D.C. 20004
Tel. 202-638-6666**

6. Number of applications and patents involved: -1-

7. Total fee (37 CFR 3.41)..... \$ 40.00 **E**

- ☒ Enclosed
☒ Any deficiencies in enclosed fees are authorized to be charged to deposit account

Attorney Docket No. P63796US0

10/15/1999 PVOLPE 00000186 09355931

01 FC:581

40.00 OP

8. Deposit Account No.: 06-1358

(Attach duplicate copy of this page if paying by deposit account):

DO NOT USE THIS SPACE

9. Statement and Signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

William E. Player
Reg. No. 31,409

William E. Player
Signature

October 12, 1999
Date

Total number of pages including cover sheet, attachments, and document: -2-